

SENATE, No. 287

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Senators Bateman and Oroho

SYNOPSIS

Limits contributions by certain public contractors; limits contributions by county and municipal political party committees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 4/8/2008)

1 **AN ACT** concerning campaign contributions by certain business
2 entities and by county and municipal party committees, and
3 amending P.L.1993, c.65, supplementing Title 19 of the Revised
4 Statutes and repealing P.L.2004, c.19 and P.L.2005, c.51.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. (New section) The Legislature finds and declares:

10 a. All individuals, businesses, organizations, associations, and
11 other persons have a right to participate fully in the political process
12 of New Jersey, including making contributions to and soliciting
13 contributions for candidates, holders of public office, political
14 parties and political committees.

15 b. When an individual or business interest makes or solicits a
16 significant amount of money or other thing of value to obtain a
17 contract awarded by a government agency, it constitutes a violation
18 of the public's trust in government and raises legitimate public
19 concerns about whether the contract has been awarded on the basis
20 of merit.

21 c. The growing infusion of funds into the political process at all
22 levels of government, including those funds donated by business
23 entities, has generated widespread cynicism among the public that
24 special interest groups are "buying" favors from elected
25 officeholders.

26 d. This increasing amount of money is feeding the corrosive
27 perception among much of the electorate that the current system
28 used to finance the election of candidates to public office at every
29 level is either corrupt or making the corruption of individual public
30 officials more likely.

31 e. To protect the integrity of government contractual decisions,
32 limit the pervasive power of money in campaigns for public office
33 and strengthen the public's confidence in every level of government,
34 it will be the policy of this State to prohibit awarding government
35 contracts on every level of government to business entities that are
36 also major contributors to candidates, holders of public office,
37 political parties and political committees.

38
39 2. (New section) As used in sections 1 through 9, inclusive, of
40 P.L. , c. (C.)(now pending before the Legislature as
41 sections 1 through 9 of this bill):

42 "business entity" means an individual, including the individual's
43 spouse, and any child living at home, and any person, firm,
44 corporation, professional corporation, partnership, organization or
45 association. This definition includes all principals who own two

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 percent or more of the equity in the corporation or business trust,
2 and the partners, and officers as a group employed by the entity, as
3 well as any subsidiaries directly controlled by the business entity.

4 "public office having ultimate responsibility for the award of
5 public contracts" means, as may be appropriate:

6 (1) the Legislature, if the contract requires approval or
7 appropriation from the Legislature;

8 (2) the Governor, if a public officer who is responsible for the
9 award of the contract is appointed by the Governor, whether or not
10 the appointment is subject to the advice and consent of the Senate,
11 including independent authorities, and excluding members of
12 boards, commissions, boards of trustees and other such entities
13 appointed by the Governor;

14 (3) both the Legislature and the Governor;

15 (4) the elected offices in a county, if the contract requires
16 approval by the holder of an elected office or appropriation by the
17 governing body of the county;

18 (5) the elected offices in a municipality, if the contract requires
19 approval by the holder of an elected office or appropriation by the
20 governing body of the municipality; and

21 (6) the elected offices in a school district, if the contract requires
22 approval by the holder of an elected office or appropriation by the
23 governing body of the school district.

24 "professional business entity" means a business entity as defined
25 in this section that provides services by individuals who are
26 required to be professionally licensed under the laws or regulations
27 of this State.

28 "public entity" means any of the principal departments in the
29 Executive Branch of State government, and any division, board,
30 bureau, office, commission or other instrumentality within or
31 created by such department; the Legislature of the State and any
32 office, board, bureau or commission within or created by the
33 Legislative Branch; the Judiciary of the State and any office, board,
34 bureau or commission within or created by the Judicial Branch; any
35 independent State authority, commission, instrumentality or agency;
36 any public institution of higher education; and, to the extent
37 permitted by law, any interstate agency to which New Jersey is a
38 party; a county, municipality or school district, and any division,
39 board, bureau, office or instrumentality of a county, municipality or
40 school district, or any authority, commission or other body created
41 by one or more counties, municipalities or school districts; and any
42 other State or local public body or quasi-public body the creation of
43 which is authorized or directed by statute.

44
45 3. (New section) a. No public entity, or any of the purchasing
46 agents or agencies thereof, shall enter into an agreement or contract
47 with a business entity or professional business entity for goods,
48 services or equipment or to sell property where the aggregate value

1 of the transaction exceeds \$17,500, if that entity has solicited or
2 made a contribution of money or any other thing of value, including
3 an in-kind contribution, or pledged to make a contribution of any
4 kind to a candidate for or the holder of any public office having
5 ultimate responsibility for the award of public contracts, or to any
6 political party committee, legislative leadership committee, political
7 committee or continuing political committee, in excess of the
8 amounts specified in subsection c. of this section within one year
9 immediately preceding the commencement of negotiations for the
10 contract or agreement or the submittal of a bid, whichever is earlier.

11 b. No business entity or professional business entity that submits
12 a bid or enters into negotiations for, or agrees to, any agreement or
13 contract with a public entity, or any of the purchasing agents or
14 agencies thereof, for goods, services or equipment or to sell
15 property in which the aggregate value of the transaction exceeds
16 \$17,500, shall knowingly solicit or make a contribution of money or
17 any other thing of value, including an in-kind contribution, or
18 pledge to make a contribution of any kind to a candidate for or
19 holder of any public office having ultimate responsibility for the
20 award of public contracts, or to any political party committee,
21 legislative leadership committee, political committee or continuing
22 political committee, between the start of negotiations or submittal
23 of the bid relative to such an agreement or contract, whichever is
24 earlier, and the termination of negotiations or the completion of the
25 agreement or contract, whichever is later.

26 c. (1) No professional business entity, including principals who
27 own two percent or more of the equity in the corporation or
28 business trust, and the partners and officers of such an entity, shall
29 pay or make a contribution of money or other thing of value,
30 including an in-kind contribution, or pledge to make a contribution
31 of any kind to any candidate for or the holder of any public office
32 having ultimate responsibility for the award of public contracts to
33 any political party committee, legislative leadership committee,
34 political committee or continuing political committee, which
35 exceeds \$400 each per year.

36 (2) No business entity, including the principals, partners, and
37 officers of the entity as a group, shall pay or make a contribution of
38 money or other thing of value, including an in-kind contribution, or
39 pledge to make a contribution of any kind to candidates for or the
40 holders of any public offices having ultimate responsibility for the
41 award of public contracts or to political party committees,
42 legislative leadership committees, political committees or
43 continuing political committees, which in the aggregate exceeds
44 \$5,000 per year.

45 (3) The contribution limits in this subsection shall be adjusted
46 by the Election Law Enforcement Commission in the same manner
47 as adjustments are made pursuant to section 22 of P.L.1993, c.65
48 (C.19:44A-7.2).

1 d. For the purposes of P.L. , c. (C.)(now pending
2 before the Legislature as this bill), the terms "contribution," "in-
3 kind contribution," "other thing of value," "candidate," "candidate
4 committee," "joint candidates committee," "legislative leadership
5 committee," "political party committee," "political committee" and
6 "continuing political committee" shall have the meanings set forth
7 in the "New Jersey Campaign Contributions and Expenditures
8 Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).
9

10 4. (New section) No contribution of money or any other thing
11 of value, including in-kind contributions, or pledge to make a
12 contribution of any kind made by a business entity or professional
13 business entity to a candidate for or the holder of any public office
14 having ultimate responsibility for the award of public contracts, or
15 to any political party committee, legislative leadership committee,
16 political committee or continuing political committee shall be a
17 violation of the provisions of sections 1 through 9, inclusive, of
18 P.L. , c. (C.)(now pending before the Legislature as
19 sections 1 through 9 of this bill), nor shall an agreement or contract
20 for goods, services or equipment or to sell property be disqualified
21 or terminated by the public entity, if that contribution was made by
22 the business entity or professional business entity prior to the
23 effective date of P.L. , c. (C.)(now pending before the
24 Legislature as this bill).
25

26 5. (New section) a. Prior to awarding any contract or
27 agreement to any business entity or professional business entity for
28 goods, services or equipment or to sell property, a public entity, or
29 any of the purchasing agents or agencies thereof, shall receive a
30 sworn statement from the business entity or professional business
31 entity that it has not made a contribution or pledged to make a
32 contribution in violation of section 3 of P.L. , c. (C.)(now
33 pending before the Legislature as this bill). This certification shall
34 be made prior to the effective starting date of the agreement or
35 contract with the public entity and shall be in addition to any other
36 certifications that may be prescribed by law.

37 b. The business entity or professional business entity shall have
38 a continuing duty to report any violations of sections 1 through 9 of
39 P.L. , c. (C.)(now pending before the Legislature as
40 section 1 through 9 of this bill) that may occur during the
41 negotiation for or the duration of the contract or agreement.
42

43 6. (New section) A candidate for or the holder of any public
44 office, and political party committees, legislative leadership
45 committees, political committees and continuing political
46 committees, shall use reasonable efforts to notify contributors and
47 potential contributors that contributions of money or any other thing
48 of value, including in-kind contributions, or pledges to make a

1 contribution of any kind from a business entity or professional
2 business entity, may affect the ability of that business entity or
3 professional business entity to engage in agreements or contracts
4 with a public entity for goods, services or equipment or to sell
5 property, as the case may be. Such reasonable efforts shall include,
6 but not be limited to, notification in written fundraising solicitations
7 or donor information request forms or other fundraising solicitation
8 materials. The failure of a business entity or professional business
9 entity to receive the notice prescribed in this section shall not be a
10 defense to a violation of P.L. , c. (C.) (now pending before
11 the Legislature as this bill).

12

13 7. (New section) A business entity or professional business
14 entity may cure a violation of section 3 of P.L. , c. (C.) (now
15 pending before the Legislature as this bill), if no later than 30 days
16 following the day of the general election next following the date on
17 which the contribution is made, the business entity or professional
18 business entity seeks and receives reimbursement of the prohibited
19 contribution from the candidate for or holder of any public office,
20 or the political party committee, legislative leadership committee,
21 political committee or continuing political committee.

22

23 8. (New section) a. Any business entity or professional
24 business entity found to knowingly conceal or misrepresent any
25 contribution of money or other thing of value, including an in-kind
26 contribution, or a pledge to make a contribution of any kind given
27 to a candidate for or the holder of any public office having ultimate
28 responsibility for the award of public contracts, or to a political
29 party committee, legislative leadership committee, political
30 committee or continuing political committee, or to knowingly have
31 made or solicited such contributions through intermediaries for the
32 purpose of concealing or misrepresenting the source of the
33 contribution, shall be considered to be in breach of the terms of any
34 agreement or contract between that business entity or professional
35 business entity and the public entity then in effect and shall be
36 subject to the penalties prescribed in subsection c. of this section
37 and any other penalties prescribed by law.

38 b. No person shall make and no person, other than a candidate or
39 an official representative of the candidate committee or joint
40 candidates committee of the candidate, shall accept any contribution
41 on the condition or with the agreement that it will be contributed to
42 any other particular candidate, subject to the penalties prescribed in
43 subsection c. of this section, section 22 of P.L.1973, c.83
44 (C.19:44A-22) and any other penalties prescribed by law. The
45 expenditure of funds received by a person shall be made at the sole
46 discretion of the recipient person.

47 c. Any business entity or professional business entity found to
48 be in violation of section of 3 of P.L. , c. (C.)(now

1 pending before the Legislature as this bill) or subsection a. of this
2 section or that knowingly fails to reveal a contribution of money or
3 any other thing of value, including an in-kind contribution, or a
4 pledge to make a contribution of any kind, shall be disqualified
5 from eligibility for future contracts or agreements with the public
6 entity where the violation is found to have occurred for a period of
7 four calendar years from the date of the determination of the
8 violation

9 (1) by the Director of the Division of Purchase and Property or
10 the Director of the Division of Property Management and
11 Construction in the Department of the Treasury when the contract
12 or agreement involved is with the State, or

13 (2) by some other designated agency or authority, as the case
14 may be, when the contract or agreement involved is with a public
15 entity other than the State,

16 and in addition shall have any contract or agreement with the
17 public entity then in effect terminated immediately.

18
19 9. (New section) a. Any business entity or professional
20 business entity making a contribution of money or any other thing
21 of value, including an in-kind contribution, or pledge to make a
22 contribution of any kind to a candidate for or the holder of any
23 public office having ultimate responsibility for the awarding of
24 public contracts, or to a political party committee, legislative
25 leadership committee, political committee or continuing political
26 committee, which has received in any calendar year \$50,000 or
27 more in the aggregate through agreements or contracts with a public
28 entity, shall file an annual disclosure statement with the New Jersey
29 Election Law Enforcement Commission, established pursuant to
30 section 5 of P.L.1973, c.83 (C.19:44A-5), setting forth all such
31 contributions made by the business entity or professional business
32 entity during the 12 months prior to the reporting deadline.

33 b. The commission shall prescribe forms and procedures for the
34 reporting required in subsection a. of this section which shall
35 include, but not be limited to:

36 (1) the name and mailing address of the business entity or
37 professional business entity making the contribution, and the
38 amount contributed during the 12 months prior to the reporting
39 deadline;

40 (2) the name of the candidate for or the holder of any public
41 office having ultimate responsibility for the awarding of public
42 contracts, candidate committee, joint candidates committee,
43 political party committee, legislative leadership committee, political
44 committee or continuing political committee receiving the
45 contribution; and

46 (3) the amount of money the business entity or professional
47 business entity received from the public entity through contract or
48 agreement, the dates, and information identifying each contract or

1 agreement and describing the goods, services or equipment
2 provided or property sold.

3 c. The commission shall maintain a list of such reports for
4 public inspection both at its office and through its Internet site.

5

6 10. Section 22 of P.L.1993, c.65 (C.19:44A-7.2) is amended to
7 read as follows:

8 22. a. Not later than December 1 of each year preceding any
9 year in which a general election is to be held to fill the office of
10 Governor for a four-year term, the Election Law Enforcement
11 Commission shall adjust the amounts, set forth in subsection b. of
12 this section, which shall be applicable under P.L.1973, c.83
13 (C.19:44A-1 et al.) to primary and general elections for any public
14 office other than the office of Governor, to limitations on
15 contributions to and from political committees, continuing political
16 committees, candidate committees, joint candidates committees,
17 political party committees and legislative leadership committees
18 and to other amounts, at a percentage which shall be the same as the
19 percentage of change that the commission applies to the amounts
20 used for the primary and general elections for the office of
21 Governor held in the third year preceding the year in which that
22 December 1 occurs, pursuant to section 19 of P.L.1980, c.74
23 (C.19:44A-7.1), and any amount so adjusted shall be rounded in the
24 same manner as provided in that section.

25 b. The amounts subject to adjustment as provided under this
26 section shall be:

27 (1) the minimum amount raised or expended by any two or more
28 persons acting jointly who qualify as a political committee and the
29 minimum amount contributed or expected to be contributed in any
30 calendar year by any group of two or more persons acting jointly
31 who qualify as a continuing political committee as defined in
32 section 3 of P.L.1973, c.83 (C.19:44A-3);

33 (2) the minimum amount of a contribution to a political
34 committee, continuing political committee, legislative leadership
35 committee or political party committee which triggers an obligation
36 to report that contribution to the commission pursuant to section 8
37 of P.L.1973, c.83 (C.19:44A-8), and the minimum amount of a
38 contribution to a candidate, candidate committee or joint candidates
39 committee which triggers an obligation to report that contribution to
40 the commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-
41 16);

42 (3) the minimum amount of a contribution to a political
43 committee, continuing political committee, legislative leadership
44 committee or a political party committee received during the period
45 between the 13th day prior to the election and the date of the
46 election, the minimum amount of an expenditure by a political
47 committee during that period, and the minimum amount of an
48 expenditure by a continuing political committee during the period

1 beginning after March 31 and ending on the date of the primary
2 election and the period beginning after September 30 and ending on
3 the date of the general election which triggers an obligation to
4 report that contribution to the commission pursuant to section 8 of
5 P.L.1973, c.83 (C.19:44A-8), and the minimum amount of a
6 contribution to a candidate, candidate committee or joint candidates
7 committee received during the period between the 13th day prior to
8 the election and the date of the election which triggers an obligation
9 to report that contribution to the commission pursuant to section 16
10 of P.L.1973, c.83 (C.19:44A-16); (4) the maximum amount
11 which may be expended by the campaign organizations of two or
12 more candidates forming a joint candidates committee without
13 being required to file contribution reports, pursuant to section 8 of
14 P.L.1973, c.83 (C.19:44A-8);

15 (5) the maximum amount that a person, not acting in concert
16 with any other person or group, may spend to support or defeat a
17 candidate or to aid the passage or defeat of a public question
18 without being required to report all such expenditures and expenses
19 to the commission pursuant to section 11 of P.L.1973, c.83
20 (C.19:44A-11) and the maximum amount that a person, not acting
21 in concert with any other person or group, may raise through a
22 public solicitation and expend to finance any lawful activity in
23 support of or in opposition to any candidate or public question or to
24 seek to influence the content, introduction, passage or defeat of
25 legislation pursuant to section 19 of P.L.1973, c.83 (C.19:44A-19)

26 (6) the maximum amount that may be expended, in the
27 aggregate, on behalf of a candidate without requiring that candidate
28 to file contribution reports with the commission and the maximum
29 amount that may be expended, in the aggregate, on behalf of a
30 candidate seeking election to a public office of a school district,
31 without requiring that candidate to file contribution reports with the
32 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-
33 16);

34 (7) the maximum amount of penalty which may be imposed by
35 the commission on any person who fails to comply with the
36 regulatory provisions of P.L.1973, c.83 (C.19:44A-1 et al.) for a
37 first offense or a second and subsequent offenses, pursuant to
38 section 22 of P.L.1973, c.83 (C.19:44A-22);

39 (8) the maximum amount of penalty which may be imposed by
40 the commission on any corporation or labor organization which
41 provides any of its employees any additional increment of salary for
42 the express purpose of making a contribution to a candidate,
43 candidate committee, joint candidates committee, political party
44 committee, legislative leadership committee, political committee or
45 continuing political committee for a first or a second and
46 subsequent offenses, pursuant to section 15 of P.L.1993, c.65
47 (C.19:44A-20.1);

48 (9) the maximum amount of contributions permitted to be made

1 by an individual, a corporation or labor organization to a candidate,
2 candidate committee or joint candidates committee, the maximum
3 amount of contributions permitted to be made by a political
4 committee or a continuing political committee to a candidate,
5 candidate committee or joint candidates committee other than the
6 committee of a candidate for nomination or election to the office of
7 Governor and the maximum amount of contributions permitted to
8 be made by one candidate, candidate committee or joint candidates
9 committee, other than the committee of a candidate for nomination
10 or election to the office of Governor, to another candidate,
11 candidate committee or joint candidates committee other than the
12 committee of a candidate for nomination or election to the office of
13 Governor pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3);

14 (10) the maximum amount of contributions permitted to be
15 made by an individual, corporation, labor organization, political
16 committee, continuing political committee, candidate committee or
17 joint candidates committee or any other group to any political party
18 committee or any legislative leadership committee pursuant to
19 section 19 of P.L.1993, c.65 (C.19:44A-11.4);

20 (11) the maximum amount of contributions permitted to be
21 made by a candidate, candidate committee or joint candidates
22 committee to a political committee or a continuing political
23 committee and the maximum amount of contributions permitted to
24 be made by one political committee or continuing political
25 committee to another political committee or continuing political
26 committee pursuant to section 20 of P.L.1993, c.65 (C.19:44A-
27 11.5)【.】;

28 (12) the amount of filing fees which may be collected from a
29 candidate committee, a joint candidates committee, a continuing
30 political committee, a political party committee, a legislative
31 leadership committee, or any other person pursuant to section 6 of
32 P.L.1973, c.83 (C.19:44A-6) (as that section shall have been
33 amended by P.L. , c. , now pending before the Legislature as
34 Senate Committee Substitute for Senate Bill No. 70 (1R));

35 (13) the maximum amount of contributions permitted to be
36 made by a county committee of a political party to a candidate
37 committee or joint candidates committee, a political committee or
38 continuing political committee, a legislative leadership committee,
39 the State committee of a political party, another county committee
40 of a political party or a municipal committee of a political party,
41 pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3); and

42 (14) the maximum amount of contributions permitted to be
43 made by a municipal committee of a political party to a candidate
44 committee or joint candidates committee, a political committee or
45 continuing political committee, a legislative leadership committee,
46 the State committee of a political party, a county committee of a
47 political party or another municipal committee of a political party,
48 pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3).

1 c. Not later than December 15 of each year preceding any year
2 in which a general election is to be held to fill the office of
3 Governor for a four-year term, the commission shall report to the
4 Legislature and make public its adjustment of limits in accordance
5 with the provisions of this section. Whenever, following the
6 transmittal of that report, the commission shall have notice that a
7 person has declared as a candidate for nomination for election or for
8 election to any public office in a forthcoming primary or general
9 election, it shall promptly notify that candidate of the amounts of
10 those adjusted limits.

11 (cf: P.L.1993, c.65, s.22)

12
13 11. Section 18 of P.L.1993, c.65 (C.19:44A-11.3) is amended to
14 read as follows:

15 18. a. No individual, other than an individual who is a
16 candidate, no corporation of any kind organized and incorporated
17 under the laws of this State or any other state or any country other
18 than the United States, no labor organization of any kind which
19 exists or is constituted for the purpose, in whole or in part, of
20 collective bargaining, or of dealing with employers concerning the
21 grievances, terms or conditions of employment, or of other mutual
22 aid or protection in connection with employment, or any group
23 shall: (1) pay or make any contribution of money or other thing of
24 value to a candidate who has established only a candidate
25 committee, his campaign treasurer, deputy campaign treasurer or
26 candidate committee which in the aggregate exceeds \$1,500 per
27 election, or (2) pay or make any contribution of money or other
28 thing of value to candidates who have established only a joint
29 candidates committee, their campaign treasurer, deputy campaign
30 treasurer, or joint candidates committee, which in the aggregate
31 exceeds \$1,500 per election per candidate, or (3) pay or make any
32 contribution of money or other thing of value to a candidate who
33 has established both a candidate committee and a joint candidates
34 committee, the campaign treasurers, deputy campaign treasurers, or
35 candidate committee or joint candidates committee, which in the
36 aggregate exceeds \$1,500 per election. No candidate who has
37 established only a candidate committee, his campaign treasurer,
38 deputy campaign treasurer or candidate committee shall knowingly
39 accept from an individual, other than an individual who is a
40 candidate, a corporation of any kind organized and incorporated
41 under the laws of this State or any other state or any country other
42 than the United States, a labor organization of any kind which exists
43 or is constituted for the purpose, in whole or in part, of collective
44 bargaining, or of dealing with employers concerning the grievances,
45 terms or conditions of employment, or of other mutual aid or
46 protection in connection with employment, or any group any
47 contribution of money or other thing of value which in the
48 aggregate exceeds \$1,500 per election, and no candidates who have

1 established only a joint candidates committee, or their campaign
2 treasurer, deputy campaign treasurer, or joint candidates committee,
3 shall knowingly accept from any such source any contribution of
4 money or other thing of value which in the aggregate exceeds
5 \$1,500 per election per candidate, and no candidate who has
6 established both a candidate committee and a joint candidates
7 committee, the campaign treasurers, deputy campaign treasurers, or
8 candidate committee or joint candidates committee shall knowingly
9 accept from any such source any contribution of money or other
10 thing of value which in the aggregate exceeds \$1,500 per election.

11 b. (1) No political committee or continuing political committee
12 shall: (a) pay or make any contribution of money or other thing of
13 value to a candidate who has established only a candidate
14 committee, his campaign treasurer, deputy campaign treasurer or
15 candidate committee, other than a candidate for nomination for
16 election or for election for the office of Governor, which in the
17 aggregate exceeds \$5,000 per election, or (b) pay or make any
18 contribution of money or other thing of value to candidates who
19 have established only a joint candidates committee, their campaign
20 treasurer or deputy campaign treasurer, or the joint candidates
21 committee, which in the aggregate exceeds \$5,000 per election per
22 candidate, or (c) pay or make any contribution of money or other
23 thing of value to a candidate who has established both a candidate
24 committee and a joint candidates committee, the campaign
25 treasurers, deputy campaign treasurers, or candidate committee or
26 joint candidates committee, which in the aggregate exceeds \$5,000
27 per election. No candidate who has established only a candidate
28 committee, his campaign treasurer, deputy campaign treasurer or
29 candidate committee, other than a candidate for nomination for
30 election or for election for the office of Governor, shall knowingly
31 accept from any political committee or continuing political
32 committee any contribution of money or other thing of value which
33 in the aggregate exceeds \$5,000 per election, and no candidates who
34 have established only a joint candidates committee, their campaign
35 treasurer, deputy campaign treasurer, or joint candidates committee,
36 shall knowingly accept from any such source any contribution of
37 money or other thing of value which in the aggregate exceeds
38 \$5,000 per election per candidate, and no candidate who has
39 established both a candidate committee and a joint candidates
40 committee, the campaign treasurers, deputy campaign treasurers, or
41 candidate committee or joint candidates committee shall knowingly
42 accept from any such source any contribution of money or other
43 thing of value which in the aggregate exceeds \$5,000 per election.

44 (2) [The limitation upon the knowing acceptance by a
45 candidate, campaign treasurer, deputy campaign treasurer,
46 candidate committee or joint candidates committee of any
47 contribution of money or other thing of value from a political
48 committee or continuing political committee under the provisions of

1 paragraph (1) of this subsection shall also be applicable to the
2 knowing acceptance of any such contribution from the county
3 committee of a political party by a candidate or the campaign
4 treasurer, deputy campaign treasurer, candidate committee or joint
5 candidates committee of a candidate for any elective public office
6 in another county or, in the case of a candidate for nomination for
7 election or for election to the office of member of the Legislature,
8 in a legislative district in which, according to the federal decennial
9 census upon the basis of which legislative districts shall have been
10 established, less than 20% of the population resides within the
11 county of that county committee. In addition, all contributor
12 reporting requirements and other restrictions and regulations
13 applicable to a contribution of money or other thing of value by a
14 political committee or continuing political committee under the
15 provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
16 applicable to the making or payment of such a contribution by such
17 a county committee.

18 The limitation upon the knowing acceptance by a candidate,
19 campaign treasurer, deputy campaign treasurer, candidate
20 committee or joint candidates committee of any contribution of
21 money or other thing of value from a political committee or
22 continuing political committee under the provisions of paragraph
23 (1) of this subsection, except that the amount of any contribution of
24 money or other thing of value shall be in an amount which in the
25 aggregate does not exceed \$25,000, shall also be applicable to the
26 knowing acceptance of any such contribution from the county
27 committee of a political party by a candidate, or the campaign
28 treasurer, deputy campaign treasurer, candidate committee or joint
29 candidates committee of a candidate, for nomination for election or
30 for election to the office of member of the Legislature in a
31 legislative district in which, according to the federal decennial
32 census upon the basis of which legislative districts shall have been
33 established, at least 20% but less than 40% of the population resides
34 within the county of that county committee. In addition, all
35 contributor reporting requirements and other restrictions and
36 regulations applicable to a contribution of money or other thing of
37 value by a political committee or continuing political committee
38 under the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall
39 likewise be applicable to the making or payment of such a
40 contribution by such a county committee.】

41 (a) No county committee of a political party, other than the
42 county committee of the county in which the candidate or
43 candidates reside, shall pay or make a contribution of money or
44 other thing of value to a candidate committee, a joint candidates
45 committee or both which in the aggregate exceeds \$7,200 per
46 election. No candidate committee, joint candidates committee or
47 both shall knowingly accept from a county committee of a political
48 party, other than the county committee of the county in which the

1 candidate or candidates reside, a contribution of money or other
2 thing of value, which in the aggregate exceeds \$7,200 per election.

3 (b) No county committee of a political party shall pay or make a
4 contribution of money or other thing of value to a political
5 committee, which in the aggregate exceeds \$7,200 per election. No
6 political committee shall knowingly accept from a county
7 committee of a political party a contribution of money or other
8 thing of value, which in the aggregate exceeds \$7,200 per election.

9 (c) No county committee of a political party shall pay or make a
10 contribution of money or other thing of value to a continuing
11 political committee, which in the aggregate exceeds \$7,200 per
12 year. No continuing political committee shall knowingly accept
13 from a county committee of a political party a contribution of
14 money or other thing of value, which in the aggregate exceeds
15 \$7,200 per year.

16 (d) No county committee of a political party shall pay or make a
17 contribution of money or other thing of value to a legislative
18 leadership committee, or to the State committee of a political party,
19 which in the aggregate exceeds \$25,000 per year. No legislative
20 leadership committee and no State committee of a political party
21 shall knowingly accept from a county committee of a political party
22 a contribution of money or other thing of value, which in the
23 aggregate exceeds \$25,000 per year.

24 (e) No county committee of a political party shall pay or make a
25 contribution of money or other thing of value to another county
26 committee of a political party, which in the aggregate exceeds
27 \$7,200 per year. No county committee of a political party shall
28 knowingly accept from another county committee of a political
29 party a contribution of money or other thing of value, which in the
30 aggregate exceeds \$7,200 per year.

31 (f) No county committee of a political party shall pay or make a
32 contribution of money or other thing of value to a municipal
33 committee of a political party, other than a municipal committee of
34 a municipality located in the same county as the county committee,
35 which in the aggregate exceeds \$7,200 per year. No municipal
36 committee of a political party, other than a municipal committee of
37 a municipality located in the same county as the county committee,
38 shall knowingly accept from that county committee a contribution
39 of money or other thing of value, which in the aggregate exceeds
40 \$7,200 per year.

41 (3) (a) No municipal committee of a political party, other than a
42 municipal committee in the county in which the candidate or
43 candidates reside, shall pay or make a contribution of money or
44 other thing of value to a candidate committee, a joint candidates
45 committee or both, which in the aggregate exceeds \$7,200 per
46 election. No candidate committee, joint candidates committee or
47 both shall knowingly accept from a municipal committee of a
48 political party, other than a municipal committee in the county in

1 which the candidate or candidates reside, a contribution of money
2 or other thing of value, which in the aggregate exceeds \$7,200 per
3 election.

4 (b) No municipal committee of a political party shall pay or
5 make a contribution of money or other thing of value to a political
6 committee, which in the aggregate exceeds \$7,200 per election. No
7 political committee shall knowingly accept from a municipal
8 committee of a political party a contribution of money or other
9 thing of value, which in the aggregate exceeds \$7,200 per election.

10 (c) No municipal committee of a political party shall pay or
11 make a contribution of money or other thing of value to a
12 continuing political committee, which in the aggregate exceeds
13 \$7,200 per year. No continuing political committee shall
14 knowingly accept from a municipal committee of a political party a
15 contribution of money or other thing of value, which in the
16 aggregate exceeds \$7,200 per year.

17 (d) No municipal committee of a political party shall make a
18 contribution of money or other thing of value to a legislative
19 leadership committee or to the State committee of a political party,
20 which in the aggregate exceeds \$25,000 per year. No legislative
21 leadership committee and no State committee of a political party
22 shall knowingly accept from a municipal committee of a political
23 party a contribution of money or other thing of value, which in the
24 aggregate exceeds \$25,000 per year.

25 (e) No municipal committee of a political party shall pay or
26 make a contribution of money or other thing of value to another
27 municipal committee of a political party, which in the aggregate
28 exceeds \$7,200 per year. No municipal committee of a political
29 party shall knowingly accept from another municipal committee of
30 a political party a contribution of money or other thing of value,
31 which in the aggregate exceeds \$7,200 per year.

32 (f) No municipal committee of a political party shall pay or
33 make a contribution of money or other thing of value to a county
34 committee of a political party, other than the county committee of
35 the county in which the municipality is located, which in the
36 aggregate exceeds \$7,200 per year. No county committee of a
37 political party, other than the county committee of the county in
38 which the municipality is located, shall knowingly accept from a
39 municipal committee a contribution of money or other thing of
40 value, which in the aggregate exceeds \$7,200 per year.

41 (4) With respect to the limitations in [this paragraph]
42 paragraphs (2) and (3) of this subsection, the Legislature finds and
43 declares that:

44 (a) Persons or organizations making contributions to the county
45 committee of a political party or a municipal committee of a
46 political party have a right to expect that their money will be used,
47 for the most part, to support candidates for elective office who will
48 most directly represent the interest of that county or municipality;

1 (b) The practice of allowing a county committee or municipal
2 committee to use funds raised with this expectation to make
3 unlimited contributions to candidates for the **【Legislature】** public
4 office or to political committees or other county or municipal
5 committees who may have a limited, or even nonexistent,
6 connection with or interest in that county or municipality serves to
7 undermine public confidence in the integrity of the electoral
8 process;

9 (c) Furthermore, the risk of actual or perceived corruption is
10 raised by the potential for contributors to circumvent limits on
11 contributions to candidates by funneling money to candidates
12 through county or municipal committees;

13 (d) The State has a compelling interest in preventing the
14 actuality or appearance of corruption and in protecting public
15 confidence in democratic institutions by limiting the amounts which
16 a county committee or municipal committee may contribute to
17 **【legislative】** candidates **【whose districts are not located in close**
18 **proximity to that county】** for public office in different parts of the
19 State, to political committees or to other county and municipal
20 political party committees; and

21 (e) It is, therefore, reasonable for the State to promote this
22 compelling interest by limiting the amount a county committee or
23 municipal committee may give to a **【legislative】** candidate **【based**
24 **upon the degree to which the population of the legislative district**
25 **overlaps with the population of that county】** for public office in
26 different parts of the State, political committees or other county and
27 municipal political party committees.

28 c. (1) No candidate who has established only a candidate
29 committee, his campaign treasurer, deputy treasurer or candidate
30 committee shall (a) pay or make any contribution of money or other
31 thing of value to another candidate who has established only a
32 candidate committee, his campaign treasurer, deputy campaign
33 treasurer or candidate committee, other than a candidate for
34 nomination for election or for election for the office of Governor,
35 which in the aggregate exceeds \$5,000 per election, or (b) pay or
36 make any contribution of money or other thing of value to
37 candidates who have established only a joint candidates committee,
38 their campaign treasurer, deputy campaign treasurer, or joint
39 candidates committee, which in the aggregate exceeds \$5,000 per
40 election per candidate in the recipient committee, or (c) pay or
41 make any contribution of money or other thing of value to a
42 candidate who has established both a candidate committee and a
43 joint candidates committee, the campaign treasurers, deputy
44 campaign treasurers, or candidate committee or joint candidates
45 committee, which in the aggregate exceeds \$5,000 per election. No
46 candidate who has established only a candidate committee, his
47 campaign treasurer, deputy campaign treasurer or candidate

1 committee, other than a candidate for nomination for election or for
2 election to the office of the Governor, shall knowingly accept from
3 another candidate who has established only a candidate committee,
4 his campaign treasurer, deputy campaign treasurer or candidate
5 committee, any contribution of money or other thing of value which
6 in the aggregate exceeds \$5,000 per election, and no candidates who
7 have established only a joint candidates committee, their campaign
8 treasurer, deputy campaign treasurer, or joint candidates committee,
9 shall knowingly accept from any such source any contribution of
10 money or other thing of value which in the aggregate exceeds
11 \$5,000 per election per candidate in the recipient committee, and no
12 candidate who has established both a candidate committee and a
13 joint candidates committee, the campaign treasurers, deputy
14 campaign treasurers, or candidate committee or joint candidates
15 committee, shall knowingly accept from any such source any
16 contribution of money or other thing of value which in the
17 aggregate exceeds \$5,000 per election.

18 (2) No candidates who have established only a joint candidates
19 committee, their campaign treasurer, deputy campaign treasurer, or
20 joint candidates committee shall (a) pay or make any contribution
21 of money or other thing of value to another candidate who has
22 established only a candidate committee, his campaign treasurer,
23 deputy campaign treasurer or candidate committee, other than a
24 candidate for nomination for election or for election for the office
25 of Governor, which in the aggregate exceeds, on the basis of each
26 candidate in the contributing joint candidates committee, \$5,000 per
27 election, or (b) pay or make any contribution of money or other
28 thing of value to candidates who have established only a joint
29 candidates committee, their campaign treasurer, deputy campaign
30 treasurer or joint candidates committee, which in the aggregate
31 exceeds, on the basis of each candidate in the contributing joint
32 candidates committee, \$5,000 per election per candidate in the
33 recipient joint candidates committee, or (c) pay or make any
34 contribution of money or other thing of value to a candidate who
35 has established both a candidate committee and a joint candidates
36 committee, the campaign treasurers, deputy campaign treasurers or
37 candidate committee or joint candidates committee, which in the
38 aggregate exceeds, on the basis of each candidate in the
39 contributing joint candidates committee, \$5,000 per election. No
40 candidate who has established only a candidate committee, his
41 campaign treasurer, deputy campaign treasurer, or candidate
42 committee, other than a candidate for nomination for election or for
43 election for the office of Governor, shall knowingly accept from
44 other candidates who have established only a joint candidates
45 committee, their campaign treasurer, deputy campaign treasurer or
46 joint candidates committee, any contribution of money or other
47 thing of value which in the aggregate exceeds, on the basis of each
48 candidate in the contributing committee, \$5,000 per election, and no

1 candidates who have established only a joint candidates committee,
2 their campaign treasurer, deputy campaign treasurer, or joint
3 candidates committee, shall knowingly accept from any such source
4 any contribution of money or other thing of value which in the
5 aggregate exceeds, on the basis of each candidate in the
6 contributing joint candidates committee, \$5,000 per election per
7 candidate in the recipient joint candidates committee, and no
8 candidate who has established both a candidate committee and a
9 joint candidates committee, the campaign treasurers, deputy
10 campaign treasurers, or candidate committee or joint candidates
11 committee, shall knowingly accept from any such source any
12 contribution of money or other thing of value which in the
13 aggregate exceeds, on the basis of each candidate in the
14 contributing joint candidates committee, \$5,000 per election.

15 (3) No candidate who has established both a candidate
16 committee and a joint candidates committee, the campaign
17 treasurers, deputy campaign treasurers, or candidate committee or
18 joint candidates committee shall (a) pay or make any contribution
19 of money or other thing of value to another candidate who has
20 established only a candidate committee, his campaign treasurer,
21 deputy campaign treasurer or candidate committee, other than a
22 candidate for nomination for election or for election for the office
23 of Governor, which in the aggregate exceeds \$5,000 per election, or
24 (b) pay or make any contribution of money or other thing of value
25 to candidates who have established only a joint candidates
26 committee, their campaign treasurer, deputy campaign treasurer or
27 joint candidates committee, which in the aggregate exceeds \$5,000
28 per election per candidate in the recipient joint candidates
29 committee, or (c) pay or make any contribution of money or other
30 thing of value to a candidate who has established both a candidate
31 committee and a joint candidates committee, the campaign
32 treasurers, deputy campaign treasurers, or candidate committee or
33 joint candidates committee, which in the aggregate exceeds \$5,000
34 per election. No candidate who has established only a candidate
35 committee, his campaign treasurer, deputy campaign treasurer, or
36 candidate committee, other than a candidate for nomination for
37 election or for election for the office of Governor, shall knowingly
38 accept from a candidate who has established both a candidate
39 committee and a joint candidates committee, the campaign
40 treasurers, deputy campaign treasurers, or candidate committee or
41 joint candidates committee, any contribution of money or other
42 thing of value which in the aggregate exceeds \$5,000 per election,
43 and no candidates who have established only a joint candidates
44 committee, their campaign treasurer, deputy campaign treasurer, or
45 joint candidates committee, shall knowingly accept from any such
46 source any contribution of money or other thing of value which in
47 the aggregate exceeds \$5,000 per election per candidate in the
48 recipient joint candidates committee, and no candidate who has

1 established both a candidate committee and a joint candidates
2 committee, the campaign treasurers, deputy campaign treasurers, or
3 candidate committee or joint candidates committee shall knowingly
4 accept from any such source any contribution of money or other
5 thing of value which in the aggregate exceeds \$5,000 per election.

6 (4) Expenditures by a candidate for nomination for election or
7 for election to the office of member of the Legislature or to an
8 office of a political subdivision of the State, or by the campaign
9 treasurer, deputy treasurer, candidate committee or joint candidates
10 committee of such a candidate, which are made in furtherance of the
11 nomination or election, respectively, of another candidate for the
12 same office in the same legislative district or the same political
13 subdivision shall not be construed to be subject to any limitation
14 under this subsection; for the purposes of this sentence, the offices
15 of member of the State Senate and member of the General
16 Assembly shall be deemed to be the same office.

17 d. Nothing contained in this section shall be construed to impose
18 any limitation on contributions by a candidate, or by a corporation,
19 100% of the stock in which is owned by a candidate or the
20 candidate's spouse, child, parent or sibling residing in the same
21 household, to that candidate's campaign.

22 e. For the purpose of determining the amount of a contribution
23 to be attributed as given to or by each candidate in a joint
24 candidates committee, the amount of the contribution to or by such
25 a committee shall be divided equally among all the candidates in the
26 committee.

27 (cf: P.L.1993, c.65, s.18)

28
29 12. Section 19 of P.L.1993, c.65 (C.19:44A-11.4) is amended to
30 read as follows:

31 19. a. (1) Except as otherwise provided in paragraph (2) of this
32 subsection, no individual, no corporation of any kind organized and
33 incorporated under the laws of this State or any other state or any
34 country other than the United States, no labor organization of any
35 kind which exists or is constituted for the purpose, in whole or in
36 part, of collective bargaining, or of dealing with employers
37 concerning the grievances, terms or conditions of employment, or
38 of other mutual aid or protection in connection with employment,
39 no political committee, continuing political committee, candidate
40 committee or joint candidates committee or any other group, shall
41 pay or make any contribution of money or other thing of value to
42 the campaign treasurer, deputy treasurer or other representative of
43 the State committee of a political party or the campaign treasurer,
44 deputy campaign treasurer or other representative of any legislative
45 leadership committee, which in the aggregate exceeds \$25,000 per
46 year, or in the case of a joint candidates committee when that is the
47 only committee established by the candidates, \$25,000 per year per
48 candidate in the joint candidates committee, or in the case of a

1 candidate committee and a joint candidates committee when both
2 are established by a candidate, \$25,000 per year from that
3 candidate. No campaign treasurer, deputy campaign treasurer or
4 other representative of the State committee of a political party or
5 campaign treasurer, deputy campaign treasurer or other
6 representative of any legislative leadership committee shall
7 knowingly accept from an individual, a corporation of any kind
8 organized and incorporated under the laws of this State or any other
9 state or any country other than the United States, a labor
10 organization of any kind which exists or is constituted for the
11 purpose, in whole or in part, of collective bargaining, or of dealing
12 with employers concerning the grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with
14 employment, a political committee, a continuing political
15 committee, a candidate committee or a joint candidates committee
16 or any other group, any contribution of money or other thing of
17 value which in the aggregate exceeds \$25,000 per year, or in the
18 case of a joint candidates committee when that is the only
19 committee established by the candidates, \$25,000 per year per
20 candidate in the joint candidates committee, or in the case of a
21 candidate committee and a joint candidates committee when both
22 are established by a candidate, \$25,000 per year from that
23 candidate.

24 Adjustments to the limits established in this paragraph which
25 have been made by the Election Law Enforcement Commission,
26 pursuant to section 22 of P.L.1993, c.65 (C.19:44A-7.2), prior to
27 the effective date of P.L.2001, c.384 are rescinded. The limits
28 established in this paragraph shall remain as stated in this paragraph
29 until subsequently adjusted by the commission in the manner
30 prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

31 (2) No national committee of a political party shall pay or make
32 any contribution of money or other thing of value to the campaign
33 treasurer, deputy treasurer or other representative of the State
34 committee of a political party which in the aggregate exceeds
35 \$50,000 per year, and no campaign treasurer, deputy campaign
36 treasurer or other representative of the State committee of a
37 political party shall knowingly accept from the national committee
38 of a political party any contribution of money or other thing of
39 value which in the aggregate exceeds \$50,000 per year.

40 b. No individual, no corporation of any kind organized and
41 incorporated under the laws of this State or any other state or any
42 country other than the United States, no labor organization of any
43 kind which exists or is constituted for the purpose, in whole or in
44 part, of collective bargaining, or of dealing with employers
45 concerning the grievances, terms or conditions of employment, or
46 of other mutual aid or protection in connection with employment,
47 no political committee, continuing political committee, candidate
48 committee or joint candidates committee or any other group, shall

1 pay or make any contribution of money or other thing of value to
2 any county committee of a political party, which in the aggregate
3 exceeds \$25,000 per year, or in the case of a joint candidates
4 committee when that is the only committee established by the
5 candidates, \$25,000 per year per candidate in the joint candidates
6 committee, or in the case of a candidate committee and a joint
7 candidates committee when both are established by a candidate,
8 \$25,000 per year from that candidate. No campaign treasurer,
9 deputy campaign treasurer or other representative of a county
10 committee of a political party shall knowingly accept from an
11 individual, a corporation of any kind organized and incorporated
12 under the laws of this State or any other state or any country other
13 than the United States, a labor organization of any kind which exists
14 or is constituted for the purpose, in whole or in part, of collective
15 bargaining, or of dealing with employers concerning the grievances,
16 terms or conditions of employment, or of other mutual aid or
17 protection in connection with employment, a political committee, a
18 continuing political committee, a candidate committee or a joint
19 candidates committee or any other group, any contribution of
20 money or other thing of value which in the aggregate exceeds
21 \$25,000 per year, or in the case of a joint candidates committee
22 when that is the only committee established by the candidates,
23 \$25,000 per year per candidate in the joint candidates committee, or
24 in the case of a candidate committee and a joint candidates
25 committee when both are established by a candidate, \$25,000 per
26 year from that candidate.

27 c. No individual, no corporation of any kind organized and
28 incorporated under the laws of this State or any other state or any
29 country other than the United States, no labor organization of any
30 kind which exists or is constituted for the purpose, in whole or in
31 part, of collective bargaining, or of dealing with employers
32 concerning the grievances, terms or conditions of employment, or
33 of other mutual aid or protection in connection with employment,
34 no political committee, continuing political committee, candidate
35 committee or joint candidates committee or any other group shall
36 pay or make any contribution of money or other thing of value to
37 any municipal committee of a political party, which in the aggregate
38 exceeds \$5,000 per year, or in the case of a joint candidates
39 committee when that is the only committee established by the
40 candidates, \$5,000 per year per candidate in the joint candidates
41 committee, or in the case of a candidate committee and a joint
42 candidates committee when both are established by a candidate,
43 \$5,000 per year from that candidate. No campaign treasurer, deputy
44 campaign treasurer or other representative of a municipal committee
45 of a political party shall knowingly accept from an individual, a
46 corporation of any kind organized and incorporated under the laws
47 of this State or any other state or any country other than the United
48 States, a labor organization of any kind which exists or is

1 constituted for the purpose, in whole or in part, of collective
2 bargaining, or of dealing with employers concerning the grievances,
3 terms or conditions of employment, or of other mutual aid or
4 protection in connection with employment, a political committee, a
5 continuing political committee, a candidate committee or a joint
6 candidates committee or any other group, any contribution of
7 money or other thing of value which in the aggregate exceeds
8 \$5,000 per year, or in the case of a joint candidates committee when
9 that is the only committee established by the candidates, \$5,000 per
10 year per candidate in the joint candidates committee, or in the case
11 of a candidate committee and a joint candidates committee when
12 both are established by a candidate, \$5,000 per year from that
13 candidate.

14 **【No county committee of a political party in any county shall**
15 **pay or make any contribution of money or other thing of value to a**
16 **municipal committee of a political party in a municipality not**
17 **located in that county which in the aggregate exceeds the amount of**
18 **aggregate contributions which, under this subsection, a continuing**
19 **political committee is permitted to pay or make to a municipal**
20 **committee of a political party. No campaign treasurer, deputy**
21 **campaign treasurer or other representative of a municipal committee**
22 **of a political party in any municipality shall knowingly accept from**
23 **any county committee of a political party in any county other than**
24 **the county in which the municipality is located any contribution of**
25 **money or other thing of value which in the aggregate exceeds the**
26 **amount of contributions permitted to be so paid or made under that**
27 **subsection.】**

28 d. For the purpose of determining the amount of a contribution
29 to be attributed as given by each candidate in a joint candidates
30 committee, the amount of the contribution by such a committee
31 shall be divided equally among all the candidates in the committee.
32 (cf: P.L.2001, c.384, s.2)

33
34 13. (New section) As soon as practicable upon the enactment of
35 P.L. , c. (C.)(now pending before the Legislature as this
36 bill), the agencies or authorities given responsibility by subsection
37 c. of section 8 of P.L. , c. (C.)(now pending before the
38 Legislature as this bill) for monitoring compliance with the
39 provisions of sections 2 through 8 of the act shall provide notice of
40 those provisions to all public entities, as defined in the act, that
41 would be affected thereby.

42
43 14. (New section) The provisions of this act shall be deemed to
44 be severable and if any phrase, clause, sentence or provision of this
45 act is declared to be unconstitutional or the applicability thereof to
46 any person or circumstance is held invalid, the remainder of this
47 act shall not thereby be deemed to be unconstitutional or invalid

1 and the other provisions or applications of the sections which can
2 be given effect without the invalid provision or application shall be
3 given effect.

4
5 15. P.L.2004, c.19 (C.19:44A-20.2 et al.) and P.L.2005, c.51
6 (C.19:44A-20.13 et seq.) are repealed.

7
8 16. This act shall take effect immediately but shall remain
9 inoperative until the 30th day following the date of enactment for
10 any public entity, as defined under the bill, except for the Executive
11 Branch of State government, the Legislative branch, the Judicial
12 branch, or the departments, agencies or instrumentalities thereof,
13 and independent State authorities and the agencies or
14 instrumentalities thereof.

15 16 17 STATEMENT 18

19 This bill supplements and amends current law to limit campaign
20 contributions to certain candidates, holders of public office and
21 political committees by certain entities doing business with the
22 State and its authorities and agencies and with county and
23 municipal governments and school districts and the agencies and
24 instrumentalities thereof, any public institution of higher education
25 and any interstate agency to which New Jersey is a party, and by
26 county and municipal political party committees.

27 Specifically, a business entity or professional business entity
28 that contracts with a public entity for goods, services, equipment or
29 the sale of property, with a value in excess of \$17,500, is prohibited
30 from making, from the submittal of a bid or the start of the
31 negotiations and for the contract period, contributions of money or
32 any other thing of value to a candidate for or the holder of any
33 public office having ultimate responsibility for the award of public
34 contracts, or to any political party committee, legislative leadership
35 committee, political committee or continuing political committee.

36 In the year prior to the bid submittal or commencement of
37 negotiations, the professional business entity may only contribute to
38 a candidate for or the holder of any public office, or to a political
39 party committee, legislative leadership committee, political
40 committee or continuing political committee \$400 each per year.
41 For a business entity, the limit is \$5,000 per year in the aggregate
42 to all candidates for or the holders of any public offices with
43 ultimate responsibility for the award of public contracts and to all
44 political party committees, legislative leadership committees,
45 political committees and continuing political committees. These
46 limits would be adjusted quadrennially by the Election Law
47 Enforcement Commission in the same manner as it makes
48 adjustments by law under the "New Jersey Campaign Contributions

1 and Expenditures Reporting Act."

2 Under the bill, a "business entity" means an individual, including
3 an individual's spouse, or any child living at home, and any person,
4 firm, corporation, professional corporation, partnership,
5 organization or association. The "office that is considered to have
6 ultimate responsibility for the award of the contract" means: 1) the
7 Legislature, if the contract requires approval or appropriation from
8 the Legislature; 2) the Governor, if a public officer who is
9 responsible for the award of the contract is appointed by the
10 Governor, whether or not the appointment is subject to the advice
11 and consent of the Senate; 3) both the Legislature and the
12 Governor; 4) the elected offices in a county, if the contract requires
13 approval by the holder of an elected office or appropriation by the
14 governing body thereof; 5) the elected offices in a municipality, if
15 the contract requires approval by the holder of an elected office or
16 appropriation by the governing body thereof; and 6) the elected
17 offices in a school district, if the contract requires approval by the
18 holder of an elected office or appropriation by the governing body
19 thereof. A "professional business entity" is a business entity which
20 provides services by individuals who are required to be
21 professionally licensed under the laws or regulations of this State.
22 A "public entity" means any of the principal departments in the
23 Executive Branch of State government, and any division, board,
24 bureau, office, commission or other instrumentality within or
25 created thereby; the Legislature and any office, board, bureau or
26 commission within or created thereby; the Judiciary and any office,
27 board, bureau or commission within or created thereby; any
28 independent State authority, commission, instrumentality or agency;
29 any public institution of higher education; and, to the extent
30 permitted by law, any interstate agency to which New Jersey is a
31 party; a county, municipality or school district, and any division,
32 board, bureau, office or instrumentality of a county, municipality or
33 school district or any authority, commission or other body created
34 thereby; and any other State or local public body or quasi-public
35 body the creation of which is authorized or directed by statute.

36 Under the bill for both professional business entities and
37 business entities, contributions made prior to enactment will not be
38 considered violations; sworn statements of compliance are required;
39 a violation may be cured by its return to the contributor no later
40 than 30 days after the general election next following the date on
41 which the contribution is made; notification of the consequences
42 under the bill will have to be given to contributors; penalties are
43 provided for violations; certain annual reports to the Election Law
44 Enforcement Commission will have to be made under certain
45 circumstances; and the agencies and authorities responsible for
46 monitoring compliance with the provisions of the bill must give
47 notice of its content as soon as it becomes law to all public entities
48 affected thereby.

1 This bill also establishes limits on the amount of money and
2 other thing of value that a county committee of a political party and
3 a municipal committee of a political party can give per election or
4 per year to candidates and certain political committees.
5 Specifically, the bill limits a county committee of a political party:

6 1) other than the county committee of the county in which the
7 candidate or candidates resides, from giving to a candidate
8 committee, a joint candidates committee or both a contribution,
9 which in the aggregate exceeds \$7,200 per election;

10 2) from giving to a political committee a contribution, which in
11 the aggregate exceeds \$7,200 per election;

12 3) from giving to a continuing political committee a
13 contribution, which in the aggregate exceeds \$7,200 per year;

14 4) from giving to a legislative leadership committee or the State
15 committee of a political party a contribution, which in the aggregate
16 exceeds \$25,000 per year;

17 5) from giving to another county committee a contribution,
18 which in the aggregate exceeds \$7,200 per year; and

19 6) from giving to a municipal committee of a political party,
20 other than the municipal committee of a municipality located in the
21 same county as the county committee, a contribution, which in the
22 aggregate exceeds \$7,200 per year.

23 In regard to a municipal committee of a political party, the bill
24 limits a committee:

25 1) other than a municipal committee of the county in which the
26 candidate or candidates reside, from giving to a candidate
27 committee, a joint candidates committee or both a contribution,
28 which in the aggregate exceeds \$7,200 per election;

29 2) from giving to a political committee a contribution, which in
30 the aggregate exceeds \$7,200 per election;

31 3) from giving to a continuing political committee a
32 contribution, which in the aggregate exceeds \$7,200 per year;

33 4) from giving to a legislative leadership committee or the State
34 committee of a political party a contribution, which in the aggregate
35 exceeds \$25,000 per year;

36 5) from giving to another municipal committee a contribution,
37 which in the aggregate exceeds \$7,200 per year; and

38 6) from giving to a county committee of a political party, other
39 than the county committee of the county in which the municipality
40 is located, a contribution, which in the aggregate exceeds \$7,200
41 per year.

42 Finally, the bill provides that the limits it establishes on giving
43 by a county committee and a municipal committee would be subject
44 to the same quadrennial adjustment by the Election Law
45 Enforcement Commission as provided in current law for other
46 contribution and expenditure amounts.

47 The bill contains a severability clause.

48 The bill takes effect immediately, but is to remain inoperative

1 until the 30th day following the date of enactment for any public
2 entity, as defined under the bill, except for the Executive Branch of
3 State government, the Legislative branch, the Judicial branch, or the
4 departments, agencies or instrumentalities thereof, and independent
5 State authorities and the agencies or instrumentalities thereof.